

REMARKS

Status of Claims

Claims 1, 3-20, 30, and 32-44 are pending in this application. By this Amendment, claims 1, 3-6, 9, 13, 18, 30, and 32 have been amended, claims 2, 21-29, and 31 have been canceled, and new claims 43 and 44 have been added. Reconsideration is respectfully requested in view of the above Amendments and the following remarks.

Rejection under 35 U.S.C. §101

Claims 21-29 have been rejected under 35 U.S.C. §101 as pertaining to non-statutory subject matter. Claims 21-29 have been canceled without prejudice or disclaimer. These claims have been canceled merely to advance the prosecution of the application. Accordingly, the rejection of claims 21-29 under 35 U.S.C. §101 is now moot and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 23-29 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The cancellation of these claims renders the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 1-42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,338,046 to Saari et al. (hereinafter "Saari"). This rejection is respectfully traversed.

With respect to independent claim 1, Saari fails to disclose several of the claimed features including identifying one or more underlying services utilized to execute the

computer transaction and determining a providing cost associated with the one or more services utilized to execute the transaction. Saari also fails to disclose determining the providing cost associated with the transaction by identifying each resource utilized to provide the one or more services and assigning a portion of the providing cost of each resource to the computer transaction. Saari further fails to disclose summing the providing cost for each resource to determine a providing cost for the computer transaction.

Saari discloses a technique for determining charges for use of a network service connection. The technique of Saari allows independent network operators 22 at different locations 24 to combine charges. In column 4, lines 31-35, Saari provides a laundry list of possible charging formulae including "service class type, quality of service, any individual or combination of ATM parameters, connection time, and other traffic flow parameters." Each operator sends a billing cell 31 and a billing unit at each node 24 can calculate the charges. The billing cell 31 may contain a header 36, address information 25, and connection information 38. See Column 5, lines 11-22 of Saari. The connection information 38 may include class of service, cell loss ratio, maximum peak rate, and level of service. See Column 5, lines 60-67 of Saari.

Saari is not concerned with identifying a cost associated with the individual underlying resources necessary for providing a service. Saari merely identifies parameters of the service itself, such as "connection time" or "quality". As further set forth in the dependent claims, the resources include such items as facilities, equipment, and personnel. Saari is not concerned with identifying these resources and additionally is

not concerned with determining a cost associated with each resource in order to assign a portion of the cost to each computer transaction as defined in claim 1.

Whereas claim 1 is concerned with identifying the cost of resources utilized to provide a service, the disclosure of Saari is concerned only with the service costs themselves and the passing along of the service costs to different network operators. Accordingly, as set forth above, Saari fails to disclose determining the provider cost associated with the transaction by identifying each resource utilized to provide the one or more services, and assigning a portion of the providing cost of each resource to the computer transaction. Accordingly, Saari fails to anticipate claim 1.

Claims 3-20 depend from claim 1 and define further distinctive features of the invention. Accordingly, claims 3-20 are allowable over Saari for at least the reasons set forth above with respect to claim 1. Furthermore, contrary to the allegations in the Office Action, Saari fails to disclose the additional features in the dependent claims such as the providing cost including an equipment cost as set forth in claim 3. Saari further fails to disclose calculating the equipment cost as a percentage of an overall equipment cost for equipment utilized to execute the transaction as set forth in claim 3. With regard to claim 4, Saari fails to disclose the providing cost including a software cost and the determining step including calculating the software cost as a percentage of an overall software cost for the equipment utilized to execute the transaction. With regard to claim 5, Saari fails to disclose personnel as a utilized resource, wherein the providing cost includes a personnel cost. Saari further fails to disclose the determining step including calculating the personnel cost as a percentage of an overall personnel cost for maintaining the software

and the equipment utilized to execute the transaction. With regard to claim 6, Saari fails to disclose the facility as a utilized resource and the providing cost including a facility cost. Saari further fails to disclose the determining step including calculating the facility cost as a percentage of an overall facility cost for supporting and housing the equipment and personnel utilized to execute the transaction.

With regard to independent claim 30, Saari fails to disclose a method in a computer system of executing a computer transaction, comprising determining, by the one or more service processes, a provider cost associated with the execution of the transaction as a function of the services utilized to execute the transaction. Saari further fails to disclose identifying each resource utilized to provide the service and assigning a portion of the provider cost of each resource to the computer transaction.

Claims 32-35 depend from claim 30 and are allowable over Saari for at least the reasons set forth above with respect to claim 30.

With regard to claim 36, Saari fails to disclose a method in a computer system for measuring the quality associated with the execution of a computer transaction. Although Saari discloses considering quality of service in Column 4, line 33, and further discusses known pre-defined levels of network connection services in Column 9, Saari does not disclose a technique for measuring the quality of a computer transaction.

Saari fails to disclose a technique for measuring the quality of a computer transaction including the steps of identifying one or more services utilized to execute the transaction, monitoring a service record to associate an availability of the one or more

services utilized to execute the transaction, and monitoring the service record to associate a response time of the one or more services utilized to execute the transaction.

Claims 37-42 depend from claim 36 and define further distinctive features of the invention. Accordingly, claims 37-42 are allowable over Saari for at least the reasons set forth above with respect to claim 36.

For the reasons set forth above, applicants respectfully submit all of claims 1, 3-20, 30, and 32-42 are allowable over the art of record. Claims 2, 21-29, and 31 have been canceled, thereby rendering the rejection moot with respect to this claims. Accordingly, withdrawal of the rejection of claims 1-42 under 35 U.S.C. §102 is respectfully requested.

New Claims

Claim 43 is a new claim dependent from claim 1 that defines further distinctive features of the invention. Claim 44 is a new independent system claim defining a system for assigning a cost to a computer transaction requiring provider services. The system includes a service identification component for identifying any services necessary for conducting the computer transaction and a resource identification component for identifying resources utilized in providing each service. The system additionally includes a cost assessment component for determining a cost to the provider for each resource and determining an appropriate cost for the transaction based on the provider cost. The aforementioned features are not disclosed or suggested by Saari.

CONCLUSION

As set forth above, applicants respectfully submit that all pending claims are in condition for allowance. Applicants respectfully request that this application be allowed and passed to issue. Should however any issues remain prior to issuance of this application, the Examiner is urged to contact the undersigned to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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